

Donald E. J. Kilmer, Jr. [SBN: 179986]
LAW OFFICES OF DONALD KILMER
1645 Willow Street, Suite 150
San Jose, California 95125
Voice: (408) 264-8489
Fax: (408) 264-8487
E-Mail: Don@DKLawOffice.com

Jason A. Davis [SBN: 224250]
Davis & Associates
27281 Las Ramblas, Suite 200
Mission Viejo, CA 92691
Voice: (949) 310-0817
Fax: (949) 288-6894
E-Mail: Jason@CalGunLawyers.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TOM SCOCCA, MADISON
SOCIETY, INC., and THE
CALGUNS FOUNDATION, INC.,

Plaintiffs,

vs.

SHERIFF LAURIE SMITH (In her
individual and official capacity.),
COUNTY OF SANTA CLARA, and
DOES 1 to 20,

Defendants.

Case No.: CV 11 01318 - EMC

**STIPULATION AND ORDER FOR
RELIEF FROM STAY**

ORDER RESETTING FURTHER CMC
FROM 8/24/12 to 7/13/12 at 10:30 a.m.

The parties, by and through their counsel of record, hereby stipulate as follows:

1. This Court entered an order on February 14, 2012 staying this action while an en banc panel of the Ninth Circuit considered a case (*Nordyke v. King*, Case No.: 07-15763) with possible ramifications in the instant action.

2. On June 1, 2012 the Ninth Circuit issued an opinion in *Nordyke v. King*, Case No.: 07-15763.

3. The parties jointly request that the stay be lifted in this matter and that the Court rule on the County Defendants' pending motion to dismiss without further briefing or oral argument.

4. Additionally the parties request the resetting of a Joint Case Management Conference so that due dates for discovery, further dispositive motions and/or trial can be set.

Respectfully Submitted on June 6, 2012,

/s/
Melissa Kiniyalocts,
Counsel for Defendants

/s/
Donald Kilmer
Counsel for Plaintiffs

ATTESTATION FOR COMPLIANCE WITH GENERAL ORDER 45 AND LOCAL RULE VIII.B.

I, Donald Kilmer, declare under penalty of perjury under the laws of California and the United States that I have in my possession e-mail correspondence from Melissa Kiniyalocts that the content of this document is acceptable to all persons required to sign the document. I declare that this document was signed in San Jose, CA on June 6, 2012.

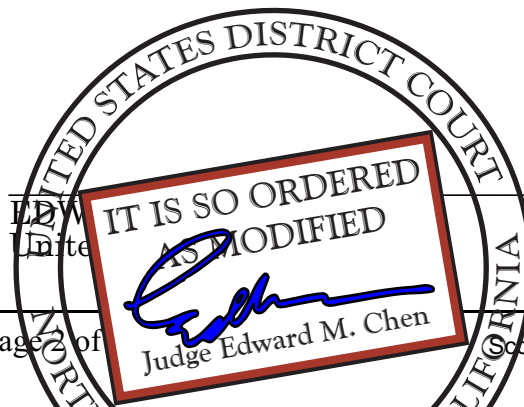
/s/
Donald Kilmer for Plaintiffs

ORDER

Upon consideration of the parties stipulation and a review of the record, the stay entered in this action on February 14, 2012 is lifted. The parties are ordered to appear for a Joint Case Management Conference on: 7/13/12 at 10:30 a.m.

A Joint Case Management Conference Statement shall be filed on or before:
7/6/12

Date: June 12, 2012



Stipulation: Relief from Stay

Page 2 of 2

Cocca v. Smith